



January 24, 2014

SENATE BILL No. 311

DIGEST OF SB 311 (Updated January 22, 2014 2:45 pm - DI 84)

Citations Affected: IC 15-20.

Synopsis: Charges for dogs killing livestock. Repeals the requirement (and related provisions) that counties pay for livestock killed by dogs. Makes conforming changes.

Effective: July 1, 2014.

Head

January 14, 2014, read first time and referred to Committee on Local Government.
January 23, 2014, reported favorably — Do Pass.

SB 311—LS 6625/DI 109



January 24, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 311

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-20-2-3 IS REPEALED [EFFECTIVE JULY 1,
2 2014]. Sec. 3: (a) The following losses and expenses are chargeable to
3 the county in which an attack or exposure occurs:

4 ~~(1) Damages, less compensation by insurance or otherwise,~~
5 ~~sustained by the owner of the following stock, fowl, or game~~
6 ~~killed, maimed, or damaged by a dog:~~

7 ~~(A) Sheep.~~

8 ~~(B) Cattle.~~

9 ~~(C) Horses.~~

10 ~~(D) Swine.~~

11 ~~(E) Goats.~~

12 ~~(F) Mules.~~

13 ~~(G) Chickens.~~

14 ~~(H) Geese.~~

15 ~~(I) Turkeys.~~

16 ~~(J) Ducks.~~

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(K) Guineas:

(L) Tame rabbits:

(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources:

(N) Bison:

(O) Farm raised cervidae:

(P) Ratitae:

(Q) Camelidae:

(2) The expense of rabies post exposure prophylaxis that is incurred by any person who is bitten by or exposed to a dog known to have rabies:

(b) Damages are not chargeable to a county under this section for sheep except those claims in which individual damage exists or is shown:

SECTION 2. IC 15-20-2-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 4: (a) A county auditor shall establish procedures in accordance with the requirements of sections 3(a) and 6 of this chapter by which a claimant may submit a claim to the county auditor or a designee of the county auditor:

(b) A county auditor who:

(1) receives a verified claim under section 3(a) of this chapter from a claimant; and

(2) is satisfied that the claim meets the requirements of sections 3(a) and 6 of this chapter;

shall immediately issue a warrant or check to the claimant for the verified amount of the claim. If a county option dog tax adopted under IC 6-9-39 is not in effect in the county; a claim under this section may be paid out of nonappropriated funds. A county auditor who is not satisfied that a claim meets the requirements of sections 3(a) and 6 of this chapter shall promptly notify the claimant.

(c) A person whose claim under section 3(a) of this chapter is denied by a county auditor may file an action in a court with jurisdiction to determine whether the county auditor acted in conformance with the requirements of this section and sections 3 and 6 of this chapter. If the court determines that the county auditor failed to comply with the requirements of this section or sections 3 and 6 of this chapter in evaluating the person's claim; the court may fashion an appropriate remedy; including an order directed to the county auditor to reconsider the person's claim.

SECTION 3. IC 15-20-2-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 5: A person requiring the treatment described in section



3(a)(2) of this chapter may select the person's own physician.

SECTION 4. IC 15-20-2-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: (a) An owner desiring to make a claim under section 3(a)(1) of this chapter must do the following:

(1) Not more than seventy-two (72) hours after the time of the loss; notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer;

(B) An officer of a county or municipal animal control center; shelter; or similar impounding facility.

(2) Not more than twenty (20) days after the time of the loss; report the loss to the county auditor as follows:

(A) Under oath; the owner shall state:

(i) the number; age; and value of the stock; fowl; or game; and

(ii) the damages sustained; less compensation by insurance or otherwise.

(B) In an affidavit; the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock; fowl; or game were killed; maimed; or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) An appraisal of the stock; fowl; or game that were killed; maimed; or damaged may not exceed the actual cash value of the stock; fowl; or game. As it applies to ratitae, cash value may not exceed the slaughter value.

(D) The owner shall provide verification of the loss by an officer described in subdivision (1).

(E) Payment for a loss for property owned by a claimant on the last property tax assessment date may not be paid if the property was not reported by the owner for assessment purposes at that time.

(b) In addition to the requirements of subsection (a); the claimant; if requested to do so by the county auditor or a person designated by the county auditor; must grant the right of subrogation to the county for the total amount paid on the claim to the claimant by the county on a form prescribed by the county auditor.

SECTION 5. IC 15-20-2-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 7: (a) An officer who receives notice under section 6(a)(1) of this chapter shall visit the scene of the loss; verify the loss in writing;



1 and mark each killed, maimed, or damaged animal so that the animal
2 can support only one (1) claim under this chapter.

3 (b) A person desiring to make a claim under section 3(a)(2) of this
4 chapter must provide the county auditor with documentation that the
5 person, or a person for whom the claimant is financially responsible,
6 underwent rabies post exposure prophylaxis.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 311 as introduced.)

Committee Vote: Yeas 9, Nays 0

Senator Head, Chairperson

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